IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5414 of 2005

Between:

K. Srinivas S/o. Rama swamy
R/o. Near Benz Circle, Life Hospital Road, Vijayawada.

..... PETITIONER

AND

The Secretary, State Transport Authority, A.P. Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of Mandamus, directing the respondent herein to accept the valid records of a contract carriage vehicle within 2 months from the petitioner and issue All India Tourist Permit as per orders of the State Transport Appellate Tribunal Hyderabad in A.P. No.86 of 2003, dt. 10-7-2003 and to pass such other order or orders may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

By an order dated 10-7-2003, the State Transport Appellate Tribunal, Hyderabad in A.P.No.86 of 2003, allowed the appeal setting aside the order passed by the respondent and directed the respondent to issue All India Tourist Permit to the petitioner within four months from the date of receipt of a copy of the order on production of valid records and documents as required under the Motor Vehicle Act and Rules made there under.

Now, the learned counsel for the petitioner contended that due to ill health of the petitioner, he could not produce the records within four months and before expiry of the said period, he could not even make an application for extension of time for production of the records. It is further contended that this Court in similar circumstances, in W.P.No.23274 of 2002, Dated 21-11-2002, granted six weeks time to the petitioner therein on the ground that no third party rights have accrued on production of the records. Therefore, the facts on hand are also similar to that of the writ petition disposed of by this Court.

Having regard to the facts and circumstances of the case, the writ petition is disposed of granting 2 months time to the petitioner from today to submit valid records to the respondent. On submission of the records, within the said time, the respondent shall take appropriate steps to issue All India Tourist Permit. If the petitioner fails to submit the valid records and documents within the said period, he is not entitled for the said Permit. No costs.

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17-03-2005

Note:

Furnish CC by three days.

B/o

rkk

To

1. The Secretary, State Transport Authority, A.P. Hyderabad.
2. Two CCs to GP for Transport, High Court buildings, Hyderabad
3. Two CD copies.